

APPEAL NO. 021869
FILED AUGUST 28, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 3, 2002. The hearing officer determined that the appellant/cross-respondent (claimant) did not sustain a compensable repetitive trauma injury; that had there been a repetitive trauma injury, the date of injury (DOI) would have been _____; and that the claimant timely reported his alleged injury pursuant to Section 409.001.

The claimant appealed the hearing officer's determination on the compensability issue, contending that he had sustained an injury due to repetitious, physically traumatic activities and that the respondent/cross-appellant's (carrier) witness was not credible. The carrier appealed the DOI and timely notice to the employer issues. The carrier filed a response to the claimant's appeal, urging affirmance on that issue.

DECISION

Affirmed.

The claimant was employed as a field service engineer operating a help desk for a wireless communications company. There was an abundance of testimony and evidence regarding how much imputing, "clicking," and typing the claimant performed. The hearing officer commented that the claimant "made keystrokes or clicked his mouse only from time to time and . . . only for a small part of his workday." The hearing officer's determination that the claimant had not sustained an injury due to repetitious, physically traumatic activities is supported by the evidence.

Similarly, there was conflicting evidence as to when the claimant knew or should have known that his condition may be related to his employment. See Section 408.007 for a definition of the DOI for an occupational disease. The hearing officer's determination that the DOI pursuant to Section 408.007 was _____, and that the claimant's notice to the employer that same date was timely is also supported by the evidence.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **THE TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Roy L. Warren
Appeals Judge